TTAB

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

	X	
SMITHS MEDICAL ASD, INC. (FORMERLY LEVEL 1, INC.)	: : :	
Opposer,	:	
v.	:	Opposition No. 91159799
PORTLAND ORTHOPAEDICS PTY LT.	:	
Applicant.	; ; ;	
	X	

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

ATTN: TTAB

## CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS

Subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective attorneys, stipulate that applicant's time for filing its Answer to Notice of Opposition shall be extended thirty (30) days or until **December 21**, **2005**.

Also subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective counsel, hereby agreed to a one (1) month extension of the Discovery and Testimony periods as follows:



THE PERIOD FOR DISCOVERY TO CLOSE:

February 21, 2006

Testimony period for Petitioner to close:

May 21, 2006

Testimony period for Registrant to close:

July 20, 2006

Rebuttal testimony period to close:

Semtember 4, 2006

The parties have reached a tentative settlement agreement and the parties are in the process of finalizing a written settlement agreement. Opposer's attorney, Sandra Epp Ryan, has verbally agreed to this extension of time as requested. This additional time is necessary to finalize the settlement agreement between the parties.

The foregoing request is not being filed for the purposes of mere delay, and favorable consideration and approval of this request is respectfully solicited.

This request is being submitted in triplicate.

Respectfully submitted,

PORTLAND ORTHOPAEDICS PTY LT.

Thomas M. Galgana Attorney for Applicant GALGANO & BURKE

300 Rabro Drive, Suite 135 Hauppauge, NY 11788

(631) 582-6161

Date: November 21, 2005

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## **CERTIFICATE OF MAILING**

I hereby certify that this CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS is being deposited, in triplicate, this 21st day of November, 2005, with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Thomas M. Qalgano, Esq.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS has this 21st day of November, 2005, been sent prepaid First Class Mail to Sandra Epp Ryan, Esq., at her place of business:

MERCHANT & GOULD P.C. Box 2910 Minneapolis, MN 55402-0910

Thomas M. ∕G**≱**lgano, Esq.